

Jun 30, 2021

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CHARLES JOSEPH REEVIS,

Plaintiff,

v.

SPOKANE COUNTY SUPERIOR
COURTS, US DEPARTMENT OF
JUSTICE DIRECTOR FBI
MISCONDUCT DIVISION, US
DISTRICT COURT EASTERN
WASHINGTON, SPOKANE
COUNTY DETENTION
SERVICES, and STATE OF
WASHINGTON DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
BEHAVIORAL HEALTH
ADMINISTRATION EASTERN
STATE HOSPITAL,

Defendants.

NO: 2:21-CV-00058-RMP

ORDER DISMISSING ACTION

By Order filed May 14, 2021, the Court granted Plaintiff Charles Joseph
Reevis thirty days to voluntarily dismiss this action. ECF No. 7. The Court found
that Mr. Reevis's *pro se* submissions, consisting of five two-page Standard Form

1 95 and filed while he was incarcerated at the Spokane County Corrections Center,
2 did not support a federal tort claim. *Id.* at 4–6. Consequently, Plaintiff’s claims
3 were subject to dismissal for lack of subject matter jurisdiction. *See McNeil v.*
4 *United States*, 508 U.S. 106, 110, 113 (1993).

5 Plaintiff is currently housed at Comprehensive Health Care - Yakima
6 Competency Restoration, and is proceeding *in forma pauperis*, but without the
7 obligation to pay the \$350.00 filing fee for this action. ECF No. 6. Plaintiff did
8 not avail himself of the opportunity to voluntarily dismiss this action.

9 Accordingly, **IT IS ORDERED:**

- 10 **1.** This action is **DISMISSED** without prejudice for lack of subject matter
11 jurisdiction.
- 12 **2.** Based on the Court’s reading of *Hoffmann v. Pulido*, 928 F.3d 1147,
13 1152 (9th Cir. 2019), this dismissal will NOT count as a “strike” under
14 28 U.S.C. § 1915(g).
- 15 **3.** This case is **DISMISSED** and **CLOSED**.

16 **IT IS SO ORDERED.** The District Court Clerk is **DIRECTED** to enter
17 this Order, provide a copy to Plaintiff and **CLOSE** the file. The Court certifies
18 pursuant to 28 U.S.C. § 1915(a)(3) that any appeal of this Order would not be
19 taken in good faith and would lack any arguable basis in law or fact.

20 **DATED** June 30, 2021.

s/ Rosanna Malouf Peterson
ROSANNA MALOUF PETERSON
United States District Judge